

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

HOWARD KEVIN KNUSSMAN, *et al.*, \*

Plaintiffs, \*

v. \* Civil Action No. AMD-95-1255

STATE OF MARYLAND, *et al.*, \*

Defendants. \*

\* \* \* \* \*

**DEFENDANTS' ERRATA**  
**TO OPPOSITION TO FEE PETITION (ON REMAND)**

The defendants, by their attorneys J. Joseph Curran, Jr., Attorney General, Maureen M. Dove, Deputy Attorney General, and Betty Stemley Sconion and William F. Brockman, Assistant Attorneys General, hereby state as follows:

Attached as Exhibit 1 to the defendants' memorandum in opposition to the plaintiffs' fee petition on remand is a series of charts depicting the disposition of Mr. Knussman's claims against each of the defendants at various stages of the proceedings. Each cell in a chart represents one claim; as the litigation progressed, the charts indicate with grey shading the claims that were defeated by motion to dismiss (Exhibit 1B), by motion for summary judgment (Exhibit 1C), by the jury's verdict (Exhibit 1D), by post-trial motion (Exhibit 1E), and on appeal (Exhibit 1F).

Exhibit 1E, as submitted, erroneously showed joint and several liability for the \$375,000 monetary judgment against the Maryland State Police and three individual defendants in their official capacity for the Mr. Knussman's FMLA claim brought under

§ 1983 – *i.e.* five cells were shown without grey shading. In fact, the Court amended the judgment in recognition of the fact that § 1983 does not support an action for monetary damages against State entities or their officials in their official capacities. *See Knussman III*, 65 F. Supp. 2d 353, 360 (1999). Thus, at this point in the litigation, the jury's verdict imposing monetary damages was supported by only a single claim against a single defendant, in her personal capacity. Accordingly, only a single cell should have been shown without grey shading in Exhibit 1E.

The attached revised Exhibit 1 has been corrected to more accurately describe the disposition of claims at each stage of the proceedings, and, in particular, to correct the error in Exhibit 1E.

Also attached is a revised Exhibit 6, the Court's August 26 Memorandum Opinion and Order regarding attorney's fees following the first remand from the Fourth Circuit Court of Appeals. As originally submitted, this exhibit contained two illegible pages as a result of a scanning error.

Respectfully submitted,

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– and –

/s/

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Attorneys for Defendants

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 10th day of May 2004, a copy of the foregoing Errata to Opposition to Fee Petition (On Remand) was served electronically on all counsel.

/s/

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William Brockman